

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

BRYON MEEKS,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00583

BOBBY MCCLUNG, et al.,

Defendants.

ORDER

Pending before the Court are Plaintiff's Motion to Strike Answer, (ECF No. 27); Plaintiff's Motion for Entry of Default, (ECF No. 32); Plaintiff's Counter Motion for Summary Judgment, (ECF No. 39); and Defendants' Motion for Summary Judgment, (ECF No. 37). By Standing Order entered in this case on September 9, 2020, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley filed his PF&R on August 30, 2022, recommending that this Court grant in part and deny in part Plaintiff's Motion to Strike Answer; deny Plaintiff's Motion for Entry of Default; deny Plaintiff's Counter Motion for Summary Judgment; and deny Defendants' Motion for Summary Judgment. (ECF No. 43.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review. 28 U.S.C. § 636(b)(1); *see also Snyder*

v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R were due on September 16, 2022. (ECF No. 43.) To date, no objections have been filed thus constituting a waiver of *de novo* review and Plaintiff’s right to appeal this Court’s order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 43). Plaintiff’s Motion to Strike Answer, (ECF No. 27), is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff’s Motion for Entry of Default, (ECF No. 32), is **DENIED**. Plaintiff’s Counter Motion for Summary Judgment, (ECF No. 39), and Defendants’ Motion for Summary Judgment, (ECF No. 37), are **DENIED**. As Plaintiff is now represented by counsel, (ECF No. 44), this matter is no longer referred to Magistrate Judge Tinsley. Accordingly, the Court will hold a telephonic status conference in this matter on **Tuesday, September 27, 2022, at 10:00 am**. The call-in information for the call is as follows: 304-461-4955, then dial 680 109 760# to be placed on hold pending the start of the call.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 19, 2022

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON, CHIEF JUDGE